

Reply to Office Action**Appl. No.: 09/751,121 Art Unit: 3624****Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Re: Filing of my response to the United States Patent and Trademark Office Action of August 24, 2006 asserting election / restrictions as required under 35 U.S.C. 121 as being proper for my application due to my supposed presentation of two distinct and separate inventions in combination and subcombination.

Sir:

This reply is in response only to the Office Action by the United States Patent and Trademark Office mailed on August 24, 2006 relative to the election / restriction requirements of 35 U.S.C. 121 due to my application supposedly presenting two distinct patents in combination and subcombination. My previous submittals and replies to prior United States Patent and Trademark Office Actions have addressed at length and in substantial detail the invention itself and subsequent claims along with all of the prior art assertions by the United States Patent and Trademark Office.

REMARKS

The United States Patent and Trademark Office asserts in the Office Action of August 24, 2006 under Election / Restrictions Paragraph 2. (I.) that Claims 32 – 36 and 63 – 66, drawn to a method and system for freight management and arranging for shipment of a load from a shipper by a carrier, classified in class 705, subclass 7. and that under Paragraph 2. (II.) that Claims 37 – 62 and 67 – 68, drawn to a method of buying and selling a product with the product being a good or service, classified in class 705, subclass 37.

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Paragraph 3. In this same Office Action then continues by implying that therefore there are two distinct inventions as Group I and Group II related as combination and subcombination. The separate and distinct nature of inventions in this relationship was determined by the United States Patent and Trademark Office through attempting to show that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP 806.05(c)). The United States Patent and Trademark Office's example for Group I directed to a method and service for freight management and arranging for shipment of a load from a shipper by a carrier was a shipment of crude oil or steel. Whereas, the examples for Group II directed to buying or selling a product with the product being a good or service and making bids were via an internet auction bidding on shares of Microsoft stock or a government contract to provide service to the Federal Government. The stock sale in Group II being absolutely absurd and categorically impossible of ever occurring and only freight / supply chain management related events ever being considered in addressing the Federal Government shows a total misunderstanding of the true nature and revolutionary importance of my invention to the freight management industry by the United States Patent and Trademark Office.

Paragraph 4., Paragraph 5. and Paragraph 6. followed by concluding that because Paragraph 3. supposedly and irrefutably indicated that there are two distinct inventions, that search required for Group I is not required for Group II and that search required for Group II is not required for Group I and that therefore the two have acquired a separate status in the art because of their incorrectly recognized distinct and divergent subject matter respectively, the restrictions for examination purposes as indicated were proper.

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Paragraph 7. then advised that for my reply to this requirement to be complete, there must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143). This is patently unfair on its face as the United States Patent Office has most apparently completely misunderstood my application, resulting in false assertions relative to the nature, workings and intent of my invention and its method and system, thereby creating a two distinct invention scenario, making it subject to restriction under 35 U.S.C. 121 and forcing me to make an unwarranted election of the invention to be examined when it is, in fact, only one method and system invention, not two.

The following is going to, as clearly and succinctly as possible, show the error in the present reasoning by the United States Patent and Trademark Office relative to the supposed convoluted and false two-invention assertion concerning my method and system for e-commerce freight management. My method and system provides for a Grand Master Bulletin Board approach for freight management as never before which includes Master Bulletin Boards and Bulletin Boards both public and private allowing shippers and carriers which are buyers and sellers to address, compare individual and alternatives, coordinate, and analyze a myriad of critical interrelated aspects of the freight management environment all via one method and system. First read claim 47 following.

Claim 47. (Currently amended) The method of claim 37, wherein available transportation equipment and planned trips, as well as loads, warehousing, products and services can be entered into the system all likened to a load with qualifications and descriptions as line items in lists of items and/or with descriptive prefixes.

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Above claim 47 (Currently amended) reflects in a very simplified and abbreviated format that which is completely described within the description and specification portions of my method and system for e-commerce freight management application. This claim 47 (Currently amended) was revised from the original claim 11 (Cancelled) at the request and direction of the United States Patent and Trademark Office due its being in an overly narrative and descriptive format which repeated that already stated as aforementioned. However, reading claim 11 (Cancelled) below should immeasurably help in the understanding of the critical importance and directly freight management related nature of the "likened to a load" entries possible through the Grand Master Bulletin Board concept: carrier equipment availability, carrier equipment leasing or renting, multiple delivered loads, groups of loads, load tours, products to be bought and shipped, warehousing for products bought and shipped, and other freight management services. The Grand Master Bulletin Board method and system for e-commerce freight management is truly a versatile "transportation tool".

Claim 11. (Cancelled) The freight management method of claim 1, wherein likened to a load, equipment can be entered into the system with similar qualification and descriptions that are afforded load information. This allows carriers to advertise their available equipment to shippers and carriers along with pertinent requirements including price. The request for rates, bids and communication (RFB) for equipment is filled out with the following exception: The origin city and the destination city incorporate a prefix such as EQUIP/ followed by a state: A carrier can denote that anywhere in a state is acceptable.

(e.g. origin EQUIP/MILWAUKEE, WI – destination EQUIP/CHICAGO, IL) or

(e.g. origin EQUIP/MILWAUKEE, WI – destination EQUIP/ANYWHERE, IL)

Reply to Office Action**Appl. No.: 09/751,121 Art Unit: 3624****or****(e.g. origin EQUIP/ANYWHERE, WI – destination EQUIP/CHICAGO, IL) or****(e.g. origin EQUIP/ANYWHERE, WI – destination EQUIP/ANYWHERE, IL);
and****wherein the freight management method and system of claim 1, wherein
likened to a load, leasing or renting of equipment can be indicated with an
origin and destination city prefix such as LEASE/ or RENT/. The RFB
with its additional information area will completely address the offering;
and****wherein the freight management method and system of claim 1, wherein
likened to a load, multiple delivered loads can be entered into the system
and indicated with an origin and destination city prefix as MULTI/. The
RFB also indicates the multiple delivery nature of the request and supplies
the required additional information; and****wherein the freight management method and system of claim 1, wherein
likened to a load, groups of loads can be entered into the system and
indicated with an origin and destination city prefix as GROUP/. The RFB
with its additional information area will completely address the request; and**

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wherein the freight management method and system of claim 1, wherein likened to a load, tours can be entered into the system and indicated with an origin and destination city prefix as TOUR/. The RFB with its additional information area will completely address the request. This allows shippers and carriers to offer complete tours or if needing one or more legs of a tour to be combined with the one or more legs already established to address circuitous routing and return both the carriers equipment and driver to the point of origin; and

wherein the freight management method and system of claim 1, wherein likened to a load, products can be entered into the system and indicated with an origin city prefix as PROD/ and the destination city box used for the products description (e.g. origin PROD/MILWAUKEE, WI – destination “NAME” TOMATO SOUP, 24/8 OZ). The RFB with its additional information area will completely address the request. This option addresses products on the open market, special offerings or through diverting; and

wherein the freight management method and system of claim 1, wherein likened to a load, warehousing can be entered into the system and indicated with an origin city prefix as WARE/ and the destination city box used for the warehouse description (e.g. origin WARE/MILWAUKEE, WI – destination 250,000 SQ FT, HEATED, 20 FT HGT). The RFB with its additional information area will completely address the offering; and

wherein the freight management method and system of claim 1, wherein likened to a load, other services can be entered into the system and indicated with an origin city prefix as SERV/ or other descriptive

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abbreviation and the destination city box used to describe the service. The RFB with its additional information area will completely address the requirement of the service; and

wherein as an alternative or an addition to the above, a separate column on the bulletin boards can be incorporated to indicate equipment, leasing or renting, multiple loads, group loads, tours, products, warehousing and other services as opposed to a load request.

As claim 1 (Cancelled) above shows that shippers and carriers which, as aforementioned, are buyers and sellers by necessity have to address loads, products and services in the freight management arena as they are not divergent subject matter as asserted by the United States Patent and Trademark Office in Paragraph 6. of the August 24, 2006 Office Action. The Grand Master Bulletin Board with Master Bulletin Boards and Bulletin Boards by incorporating the "load" and "likened to a load" format allows shippers and carriers for the first time to fully integrate their freight management operations addressing the complete supply chain.

Just for example, using the method and system for e-commerce freight management, a shipper (buyer) or broker, etc could:

look for a product (likened to a load) in grocery (e.g. can goods) offered by a seller (e.g. wholesaler) with a pick-up origin city (e.g. Atlanta, GA), and bid or buy at fixed price, and pick one of the shipper's distribution warehouses to store the product, and/or look for a warehouse (likened to a load) in a destination city (Milwaukee, WI) to store the product purchased, and consider using your own fleet truck(s) to pick-up and move the product purchased (which is the load),

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and/or look for appropriate equipment (likened to a load) availability offered by carriers (as sellers) to compare overall costs and other advantages, and/or place a single load (the product purchased) request with the origin and destination cities, etc. to have carriers respond with bids, and/or combine the load with other loads to obtain a lower bid price, and/or ask for bids for multiple deliveries of similar loads on a scheduled basis to again obtain a lower bid price.

NOTE: With the unique flexibility of the Grand Master Bulletin Board method and system "transportation tool" a shipper (buyer) allows for a review each of the results of the multiple scenarios as indicated above before making a final determination and/or bid selection as to the best approach, understanding that all participants can be required to meet specific qualifications to participate. This total integration of supply chain steps within one environment is literally the "Holy Grail" for optimal freight management. Also, using only portions of the possible features of the method and system for any particular situation does not invalidate the overall invention by requiring only one group of parameters or classifications be they in combination or separately. Loads, equipment, warehousing and products (goods or services) are all integral parts of freight management.

Whereas, using the method and system for e-commerce freight management, again just for example, a carrier (seller) or broker or third party logistics company (3pl) or other shipper (acting as a seller) with fleet trucks, etc. could:

offer equipment (likened to a load) availability on which shippers could select or bid,
and/or review the shipper's request for bids on the load (the product purchased by the shipper) and place a bid,
and/or prior to placing a bid on the load, a carrier (seller) acting as a buyer

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**places a request to interline with another carrier,
and/or places a request to complete a tour (likened to a load) or backhaul
with another carrier,
and/or reviews empty container (likened to a load) availability to be used,
occasionally for free, by the carrier as his own equipment during the
move back to a port location for an ocean shipping company,
and/or review the possibility of renting or leasing equipment (likened to a
load) for the move,
and address trip insurance (likened to a load), a service offering by
insurance companies which cover freight transportation.**

NOTE: See NOTE above under the shipper (buyer) example as similar wording applies.

The applicant picked the aforementioned claims to most directly and simply describe why this method and system for e-commerce freight management fully complies with the intent and spirit of one invention. Along with the other independent and dependent claims, the complete invention is fully addressed. To assert that there are two separate and distinct inventions due to the various necessary classifications involved by suggesting that these classifications somehow represent recognized divergent subject matter triggering a restriction for examination purposes and requiring an election of the invention to be examined will destroy the very concept being submitted for patent application. The truly unique features of this pending patent is what has eluded the freight management industry to date and has somehow unfortunately eluded the understanding of United States Patent and Trademark Office as is evidenced by this latest Office Action.

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CONCLUSION

Mr. Abendroth has previously submitted claims 1 – 68 in ascending order indicating that the Original claims 1 – 31 have been Canceled, the Original claims 32, 33, 34, 35 and 36 are Currently amended along with Previously presented claims 47, 59 and 63 also Currently amended and the remaining claims 37 – 46, 49 – 58, 60 – 62 and 64 – 69 having been Previously presented.

Mr. Abendroth's explanations herein this Reply submittal relative to showing that addressing loads and freight management / supply chain related products and services likened to loads all integrated on one Grand Master Bulletin Board method and system for e-commerce freight management does not constitute a combination and subcombination of two distinct inventions due to different classification being recognized as divergent / unrelated subject matter removing the cause for a restriction for examination purposes under 35 U.S.C. 121 as being proper. Also, one does not have to incorporate all aspects available via the method and system on every occasion to maintain patentability of the method and system. Additionally, in Mr. Abendroth's prior submittals he has completely addressed and feels that he has conclusively discounted all of the referenced prior art considered pertinent by the United States Patent and Trademark Office to Applicant's disclosure, thereby fully supporting that Mr. Abendroth's patent application subject-matter does, in fact, comprise inventive steps, and therefore, Mr. Abendroth earnestly solicits a Notice of Allowance for claims 32 - 68 for his Method and System for E-Commerce Freight Management. Reconsideration by the United States Patent and Trademark Office of the application is respectfully requested.

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Respectively submitted,

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